

## **Kansas Primary Drinking Water Regulations: Abstract**

The Kansas Department of Health and Environment is proposing a comprehensive package of new regulations which (with a few minor exceptions) adopt the National Primary Drinking Water Regulations by reference. Therefore, as required, most of the national rules which the Environmental Protection Agency has promulgated pursuant to the federal Safe Drinking Water Act (SDWA) will become the regulations for Kansas public water supplies. With the exception of bacteriological monitoring for small water systems, the proposed new regulations are no more stringent than is absolutely necessary to meet the federal requirements for administering the Safe Drinking Water Act.

KDHE has frequently adopted revised drinking water regulations (K.A.R. 28-15-1 through K.A.R. 28-15-37) to comply with the SDWA and its various amendments as re-authorized by Congress since 1974 (the most significant federal amendments being added in 1996). Since the last administrative adoption of state rules and regulations, EPA has promulgated nine new major drinking water rules, and is preparing to promulgate at least four more additional rules in the near future. The following rules are the subjects of regulation revisions required at this time: Consumer Confidence Reports Rule, Interim Enhanced Surface Water Treatment Rule, Stage 1 Disinfectants and Disinfection Byproducts Rule, Lead and Copper Rule Minor Revisions, Revisions to the Public Notification Rule, Radionuclides Rule, Arsenic Rule, Filter Backwash Recycling Rule, and the Long Term 1 Enhanced Surface Water Treatment Rule.

Due to the highly technical and complex features of the subject matter, and because of the overlapping and variable nature of the numerous classification categories of public water supplies to which the rules are applicable, it has become increasingly difficult to develop “stand-alone” Kansas regulations. KDHE now considers an adoption of the federal regulations “by reference” to be in the best interest of the agency and the public at this time. These nine proposed new rules are being presented as a package in order to comprehensively revise the existing drinking water regulations and to eliminate the possibility of redundancy or omissions concerning the federal requirements.

100 new regulations (under a new Article 15a entitled “Primary Drinking Water Regulations”) will essentially mirror the National Primary Drinking Water Regulations in structure and content. An additional 32 numbers and sections will be reserved for future expansion. Seven of the current state drinking water regulations will be revoked. Current Article 15 will be retained with two existing regulations being modified to separately address permitting and construction / operation requirements for public water supplies.

This strategy will easily accommodate revisions to state regulations when the federal regulations are revised. It will also simplify and streamline the administrative filing process necessary to add new (or delete outdated) state administrative regulations in the future. It will provide the most clear and straightforward method for users to index, access and understand the construction, location, and meaning of the regulations.

The proposed new, amended, and revoked regulations, are organized according to the nine major rules referenced above. For purposes of compiling the regulatory impact statements, they are grouped and presented to the reviewer in the same way. Upon final adoption of all the new regulations under Article 15a, only the most current version of the related federal regulations as in effect on July 1, 2003 will be adopted by reference.